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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------------|------------------------|
| 10/509,285 | 06/27/2005 | Richard M. Carlton | 056289-5001-US | 3658 |
| 9629 7590 06/20/2007 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004 | | | EXAMINER ROOKE, AGNES BEATA | |
| | | | ART UNIT 1656 | PAPER NUMBER |
| | | | MAIL DATE 06/20/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,285

Applicant(s)

CARLTON ET AL.

Examiner

Agnes B. Rooke

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-77 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9, drawn to a method of promoting wound healing.

Group II, claim(s) 10-18, drawn to a method of promoting wound healing.

Group III, claim(s) 19-21, drawn to a method of treating diabetic retinopathy.

Group IV, claim(s) 22-24, drawn to a method of treating a tumor.

Group V, claim(s) 25-27, drawn to a method a method of treating diabetic retinopathy.

Group VI, claim(s) 28-30, drawn to a method of treating tumors.

Group VII, claim(s) 31-33, drawn to a method of treating asthma.

Group VIII, claim(s) 34-36, drawn to a method of treating pulmonary hypertension.

Group IX, claim(s) 37, drawn to a method of treating a patient who is at risk of heart ischemia.

Group X, claim(s) 38, drawn to a method of treating a patient with heart ischemia.

Group XI, claim(s) 39, drawn to a method of treating a patient with hypertrophic cardiomyopathy.

Group XII, claim(s) 40, drawn to a method of treating a patient with hypertrophic cardiomyopathy.

Group XIII, claim(s) 41, drawn to a method of treating diabetic retinopathy.

Group XIV, claim(s) 42, drawn to a method of treating diabetic retinopathy.

Group XV, claim(s) 43, drawn to a method of treating diabetic retinopathy.

Group XVI, claim(s) 44, drawn to a method of treating diabetic retinopathy.

Group XVII, claim(s) 45, drawn to a method of treating tumor.

Group XVIII, claim(s) 46, drawn to a method of treating a tumor.

Group XIX, claim(s) 47, drawn a method of treating tumor.

Group XX, claim(s) 48, drawn to a method of treating a patient with a tumor.

Group XXI, claim(s) 49, drawn to a method of treating pulmonary hypertension.

Group XXII, claim(s) 50, drawn to a method of treating pulmonary hypertension.

Group XXIII, claim(s) 51, drawn to a method of treating pulmonary hypertension.

Group XXIV, claim(s) 52, drawn to a method of treating pulmonary hypertension.

Group XXV, claim(s) 53, drawn to a method of treating heart ischemia.

Group XXVI, claim(s) 54, drawn to a method of treating heart ischemia.

Group XXVII, claim(s) 55, drawn to a method of treating heart ischemia.

Group XXVIII, claim(s) 56, drawn to a method of treating heart ischemia.

Group XXIX, claim(s) 57, drawn to a method of treating hypertrophic cardiomyopathy.

Group XXX, claim(s) 58, drawn to a method of treating hypertrophic cardiomyopathy.

Group XXXI, claim(s) 59, drawn to a method of treating hypertrophic cardiomyopathy.

Group XXXII, claim(s) 60, drawn to a method of treating hypertrophic cardiomyopathy.

Group XXXIII, claim(s) 61-65, drawn to a method of promoting proliferation and differentiation of stem cells,

Group XXXIV, claim(s) 66-70, drawn to a method of promoting proliferation of vascular endothelial cells.

Group XXXV, claim(s) 71-73, drawn to a method of promoting proliferation of vascular endothelial cells.

Group XXXVI, claim(s) 74-77, drawn to a method of promoting proliferation of vascular endothelial cells.

The inventions listed as Groups I-XXXVI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The groups do not share coextensive technical features. The technical features of inventions I-XXXVI are distinct because each of the methods claimed is distinct, utilizes distinct substrates, has different steps and different starting and ending points. Therefore, the inventions do not share technical features.

Applicant is advised that for the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes B. Rooke whose telephone number is 571-272-2055. The examiner can normally be reached on Mon-Fri/ Max Flex.

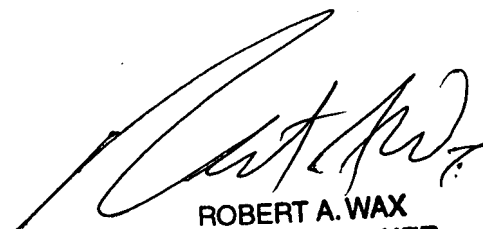
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr Bragdon can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1656

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

RR



ROBERT A. WAX
PRIMARY EXAMINER